



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

Bob Wasserman, Mayor
Bob Wieckowski, Vice Mayor
Anu Natarajan
Bill Harrison
Suzanne Lee Chan

City Staff

Fred Diaz, City Manager
Harvey E. Levine, City Attorney
Melissa Stevenson Dile, Assistant City Manager

Dawn G. Abrahamson, City Clerk
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Marilyn Crane, Information Technology Svcs. Dir.
Mary Kaye Fisher, Interim Human Resources Dir.
Annabell Holland, Parks & Recreation Dir.
Norm Hughes, City Engineer
Jill Keimach, Community Dev. Director
Bruce Martin, Fire Chief
Jim Pierson, Transportation & Ops Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Lori Taylor, Economic Development Director
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

The City Council Agendas may be accessed by computer at the following Worldwide Web Address: www.fremont.gov

Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
MAY 25, 2010
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – for the Regular Meeting of March 2, 2010*
- 2.3 *Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Precise Plan for Planned District P-2006-274 Located at 2400 and 2450 Durham Road*

RECOMMENDATION: Adopt ordinance.

- 2.4 *Second Reading and Adoption of an Ordinance of the City Council of the City of Fremont Amending the Fremont Municipal Code by Adding a New Article 10, Title IV, Chapter 2 (Solid Waste Recyclables, and Yard Waste Management) to Prohibit the Use of Expanded Polystyrene Disposable Food Service Ware and to Require the Use of Recyclable or Compostable Food Service Ware within City Limits*

RECOMMENDATION: Adopt ordinance.

2.5 **JOINT POWERS AGREEMENT WITH NEWARK UNIFIED SCHOOL DISTRICT**
Approve a Joint Powers Agreement with Newark Unified School District (NUSD) for the Provision of Mental Health Services

Contact Person:

<i>Name:</i>	<i>Iris Preece</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>Youth & Family Services Administrator</i>	<i>Director</i>
<i>Dept.:</i>	<i>Human Services</i>	<i>Human Services</i>
<i>Phone:</i>	<i>510-574-2128</i>	<i>510-571-2051</i>
<i>E-Mail:</i>	<i>ipreece@fremont.gov</i>	<i>sshensif@fremont.gov</i>

RECOMMENDATION: Authorize the City Manager or designee to execute a joint powers agreement with Newark Unified School District for the provision of mental health services.

2.6 **ARDENWOOD REGIONAL PRESERVE MANAGEMENT AGREEMENT EXTENSION**

Authorize the City Manager to Enter into a 50-year Agreement with the East Bay Regional Park District for the Ongoing Maintenance and Operation of Ardenwood Historic Farm

Contact Person:

<i>Name:</i>	<i>Laurie Rogers</i>	<i>Annabell Holland</i>
<i>Title:</i>	<i>Recreation Superintendent II</i>	<i>Director</i>
<i>Dept.:</i>	<i>Parks and Recreation</i>	<i>Parks and Recreation</i>
<i>Phone:</i>	<i>510-494-4332</i>	<i>510-494-4329</i>
<i>E-Mail:</i>	<i>lrogers@fremont.gov</i>	<i>aholland@fremont.gov</i>

RECOMMENDATION: Authorize the City Manager or designee to enter into a 50-year agreement with a forty-nine year option to extend, with the East Bay Regional Park District for the ongoing maintenance and operation of Ardenwood Historic Farm.

2.7 **ASSIGNMENT TO ALAMEDA COUNTY OF CITY'S ALLOCATION OF RECOVERY ZONE FACILITY BONDS**

Adopt a Resolution to Assign the City of Fremont's Recovery Zone Facility Bond Allocation to the Dale Hardware Expansion Project

Contact Person:

<i>Name:</i>	<i>Angela Tsui</i>	<i>Lori Taylor</i>
<i>Title:</i>	<i>Economic Development Coordinator</i>	<i>Director</i>
<i>Dept.:</i>	<i>Economic Development</i>	<i>Economic Development</i>
<i>Phone:</i>	<i>510-284-4023</i>	<i>510-284-4024</i>
<i>E-Mail:</i>	<i>atsui@fremont.gov</i>	<i>ltaylor@fremont.gov</i>

RECOMMENDATION: Adopt a resolution to assign the City's \$4,456,000 Recovery Zone Facility Bond allocation to bonds to be issued to finance the construction of a

56,000 square foot expansion of an existing hardware and building supply facility owned and operated by Dale Hardware, Inc. within Fremont.

2.8 FAMILY RESOURCE CENTER PARKING LOT AND SITE ACCESSIBILITY IMPROVEMENTS CONTRACT AWARD

Approval of Plans and Specifications and Award of Contract in the Amount of \$165,230.76 to the Lowest Responsible Bidder for the Family Resource Center Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC)

Contact Person:

Name:	<i>Craig Covert</i>	<i>Norm Hughes</i>
Title:	<i>Associate Civil Engineer</i>	<i>City Engineer</i>
Dept.:	<i>Community Development</i>	<i>Community Development</i>
Phone:	<i>510-494-4785</i>	<i>510-494-4748</i>
E-Mail:	<i>ccover@fremont.gov</i>	<i>nhughes@fremont.gov</i>

RECOMMENDATION:

- 1. Approve the Plans and Specifications for the Family Resource Center Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC).*
- 2. Waive minor bid irregularity and accept the bid and award the construction contract for the Family Resource Center Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC) to Bay Cities Paving and Grading, Inc., in the amount of \$165,230.76 and authorize the City Manager or his designee to execute the contract.*

2.9 ON-CALL UTILITY LOCATION SERVICES CONTRACT

Award Contracts for Utility Location Services to Bess Testlab, Inc., and EXARO Technologies Corporation

Contact Person:

Name:	<i>Jeanne Suyeishi</i>	<i>Norm Hughes</i>
Title:	<i>Associate Civil Engineer</i>	<i>City Engineer</i>
Dept.:	<i>Community Development</i>	<i>Community Development</i>
Phone:	<i>510-494-4728</i>	<i>510-494-4748</i>
E-Mail:	<i>jsuyeishi@fremont.gov</i>	<i>nhughes@fremont.gov</i>

RECOMMENDATION:

- 1. Authorize the City Manager or his designee to execute master service agreements with Bess Testlabs, Inc., and EXARO Technologies Corporation for on-call utility location services in an amount not-to-exceed \$75,000 per year for three years, with the option of renewing each agreement for two additional one-year periods with an amount not-to-exceed \$50,000 per additional one year period.*
- 2. Authorize the City Manager or his designee to exercise the option to renew each agreement, at an appropriate time, for two additional one-year terms with an amount not to exceed \$50,000 per year, provided the City Manager or his designee determines that the contractor has been responsive to the City's needs and the quality of work has been satisfactory.*

2.10 FY 2009/10 MEDI-CAL TARGETED CASE MANAGEMENT MEMORANDA OF UNDERSTANDING WITH ALAMEDA COUNTY

Authorization for the City Manager to Sign FY 2009/10 Memoranda of Understanding with Alameda County Health Care Services Agency for Medi-Cal Targeted Case Management Program

Contact Person:

Name:	<i>Arquimides Caldera</i>	<i>Suzanne Shenfil</i>
Title:	<i>Deputy Director</i>	<i>Director</i>
Dept.:	<i>Human Services</i>	<i>Human Services</i>
Phone:	<i>510-574-2056</i>	<i>510-574-2051</i>
E-Mail:	<i>acaldera@fremont.gov</i>	<i>sshensfil@fremont.gov</i>

RECOMMENDATION: *Authorize the City Manager or designee to sign Memoranda of Understanding to enable the City to receive reimbursement for family case management and senior case management services provided to Medi-Cal eligible clients as part of the FY 2009/10 Targeted Case Management program.*

2.11 “GET CONNECTED!” PUBLIC AWARENESS AND EDUCATION PROGRAM FOR USE OF THE INTERNET/BROADBAND

Adopt a Resolution to Support the California Emerging Technology Fund “Get Connected!” Public Awareness and Education Program for Accelerating the Deployment of the Internet/Broadband

Contact Person:

Name:	<i>Marilyn Crane</i>
Title:	<i>Director</i>
Dept.:	<i>Information Technology Services</i>
Phone:	<i>510-494-4802</i>
E-Mail:	<i>mcrane@fremont.gov</i>

RECOMMENDATION: *Adopt a resolution supporting the “Get Connected!” Public Awareness and Education Program that educates low-income families and people with disabilities on how to improve quality of life through the effective and secure use of the Internet and broadband technologies and encouraging residents to take advantage of any such programs.*

3. CEREMONIAL ITEMS

3.1 Proclamation: Declaring May 22, 2010 as Harvey Milk Day

3.2 Resolution: Honoring Lieutenant Mark Riggs for Twenty Five Years of Service

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. [See separate agenda](#) (yellow paper).

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS

7.1 Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Fremont Municipal Code Pertaining to the Planting, Pruning, and Removal of Street Trees and Landowner Responsibility and Liability for Street Tree and Sidewalk Safety and Maintenance

RECOMMENDATION: Adopt ordinance.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



***2.3 Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Precise Plan for Planned District P-2006-274 Located at 2400 and 2450 Durham Road**

ENCLOSURE: [Draft Ordinance](#)

RECOMMENDATION: Adopt ordinance.

***2.4 Second Reading and Adoption of an Ordinance of the City Council of the City of Fremont Amending the Fremont Municipal Code by Adding a New Article 10, Title IV, Chapter 2 (Solid Waste Recyclables, and Yard Waste Management) to Prohibit the Use of Expanded Polystyrene Disposable Food Service Ware and to Require the Use of Recyclable or Compostable Food Service Ware within City Limits**

ENCLOSURE: [Draft Ordinance](#)

RECOMMENDATION: Adopt ordinance.

***2.5 JOINT POWERS AGREEMENT WITH NEWARK UNIFIED SCHOOL DISTRICT**
Approve a Joint Powers Agreement with Newark Unified School District (NUSD) for the Provision of Mental Health Services

Contact Person:

Name:	Iris Preece	Suzanne Shenfil
Title:	Youth & Family Services Administrator	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2128	510-571-2051
E-Mail:	ipreece@fremont.gov	sshensfil@fremont.gov

Executive Summary: The purpose of this report is to recommend that the City enter into an ongoing joint powers agreement with Newark Unified School District (NUSD) that will enable the Youth and Family Services Division of the Human Services Department to provide various mental health services to Newark Unified School District on school district property while retaining the legal protections available when providing services within the City's jurisdiction.

BACKGROUND: In 2006/07 Alameda County asked the Youth and Family Services (YFS) Division of the Human Services Department to assume a probation contract previously held by Second Chance, a non-profit in Newark, for the delivery of mental health services (family crisis intervention and follow-up counseling) for at-risk youth. Most of the youth served through this contract attend school at the MacGregor campus, which houses Newark Unified School District's Continuation High School and Community Day School Program. In 2007/08, at NUSD's request and with administrative funding, YFS assigned Healthy Choices counseling interns to the site two days per week. For these at-risk youth, school-site access to mental health services increases school attendance and improves coordination with school personnel, which enhances the likelihood these youth will complete high school and stay out of trouble.

DISCUSSION/ANALYSIS: The proposed joint powers agreement is made pursuant to State law and is to be distinguished from a separate legal entity. Rather, the agreement allows City staff to provide services on school district property while retaining the legal protections available when providing services within the City's jurisdiction. It has been flexibly structured so that new task orders may be executed as needed, such as on an annual basis, because service needs, costs and funding availability change each school year. The Newark Unified School Board of Trustees will consider the joint powers agreement at its meeting on either May 11 or May 25, 2010, according to NUSD staff.

FISCAL IMPACT: The mental health services are provided at low cost, by utilizing volunteer, graduate and postgraduate interns or trainees in the process of completing their required supervised practice hours. NUSD pays the annual fee to cover the costs associated with the recruitment, training and supervision of the interns assigned. The services at the MacGregor campus integrate well with programs funded by Alameda County. As a result, YFS also utilizes funds available through EPSDT/Medi-Cal and the Alameda County Probation contract to support eligible services for students involved with delinquent behaviors.

ENVIRONMENTAL REVIEW: None

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or designee to execute a joint powers agreement with Newark Unified School District for the provision of mental health services.

***2.6 ARDENWOOD REGIONAL PRESERVE MANAGEMENT AGREEMENT EXTENSION**
Authorize the City Manager to Enter into a 50-year Agreement with the East Bay Regional Park District for the Ongoing Maintenance and Operation of Ardenwood Historic Farm

Contact Person:

Name:	Laurie Rogers	Annabell Holland
Title:	Recreation Superintendent II	Director
Dept.:	Parks and Recreation	Parks and Recreation
Phone:	510-494-4332	510-494-4329
E-Mail:	lrogers@fremont.gov	aholland@fremont.gov

Executive Summary: This item is before the City Council to authorize the City Manager to execute a 50-year agreement, with a 49-year option, with the East Bay Regional Park District for the ongoing maintenance and operation of Ardenwood Historic Farm.

BACKGROUND: The City entered into a twenty-five year management agreement with the East Bay Regional Park District (“EBRPD”) in March 1981 to maintain and operate Ardenwood Historic Farm. The EBRPD spends approximately \$1.7 million annually to operate the 200-acre park, and has demonstrated its commitment to improving the park through the development of the Land Use Development Plan, and the associated capital improvements. The District recently completed new ADA-accessible restrooms and a concession building in the Deer Park picnic area.

Ardenwood Historic Farm welcomes more than 168,000 visitors every year. Of these visitors, more than 25,000 attend nine annual special events; 600 school classes learn about local history and social sciences; and 12,000 students participate in naturalist-led programs, farmyard talks, and tours of the Patterson House.

The 1981 management agreement expired in March 2007 and has been extended since then by mutual agreement on a month-to-month basis as permitted under the terms and conditions of the agreement. Negotiations have recently been completed and staff is recommending a successor agreement that will extend the Park District’s operation of Ardenwood through May 2060, with a forty-nine year option to extend.

On May 4, 2010, the EBRPD Board of Directors voted unanimously to “enter into a fifty-year management agreement with a forty-nine year option with the City of Fremont to operate Ardenwood Historic Farm”.

DISCUSSION/ANALYSIS: In preparation for contract negotiations, staff worked closely with EBRPD in the development of the Land Use Plan Amendment, which guides the development of the Park into the foreseeable future and was approved by the City Council in July 2006. Future capital investments include a new general classroom, rebuilding the machinery shed that houses the blacksmith shop, and a formal interpretative center in the Ardenwood Train Station. The City is fortunate to be able to partner with EBRPD to protect the natural and historical features in the park, making them available for the enjoyment and education of the public.

The revised management agreement generally maintains the same roles and responsibilities for the EBRPD and the City as were in the original agreement. The City has the responsibility for the preservation, operation and maintenance of the Patterson House. The Park District has the responsibility for the development, operation and maintenance of the balance of the park, as well as to provide for security of the entire site. The agreement provides that the Ardenwood Land Use Development Plan, as amended in 2006, will guide the District's use and operation of the facility. The Agreement contains procedures for City approval of park development projects that implement the Development Plan and for projects that are outside the Development Plan. The agreement provides for a sharing of building permit costs after a threshold amount is met. It also has a process for the City and District to agree in advance to reimburse the District for costs it incurs in connection with City programs. In addition, the agreement contains procedures which would apply in the event the City wanted to discontinue the use of all or part of the facility as a park. The agreement continues provisions in the original agreement that allow the District to terminate the agreement on at least two years prior notice when it determines that it cannot economically continue to perform under the Agreement and that vest title to improvements in the City when the agreement terminates.

The District has made a significant investment in Ardenwood and is committed to a continued partnership with the City. This is demonstrated by the District's actions to implement the Land Use Development Plan and the negotiated long term duration of the agreement. The initial term of the revised management agreement is for 50 years, with an option to extend the terms for an additional forty-nine years. The annual lease payment is one dollar per year.

ENVIRONMENTAL REVIEW: The agreement contemplates development of the Ardenwood Regional Preserve in accordance with the 2006 Land Use Plan Amendment. A Mitigated Negative Declaration was adopted by the EBRPD for The Land Use Plan Amendment and was considered by the City Council in its approval of the Land Use Plan Amendment. Both legislative bodies found there was no evidence the Land Use Plan Amendment would have any potential for adverse environmental effects. No changes to the project or its circumstances have occurred and no new information has become available since adoption of the mitigated negative declaration for the Land Use Plan Amendment that would require preparation of additional environmental documentation.

FISCAL IMPACT: No fiscal impact. Agreement remains the same.

ENCLOSURES: None

RECOMMENDATION: Authorize the City Manager or designee to enter into a 50-year agreement with a forty-nine year option to extend, with the East Bay Regional Park District for the ongoing maintenance and operation of Ardenwood Historic Farm.

***2.7 ASSIGNMENT TO ALAMEDA COUNTY OF CITY'S ALLOCATION OF RECOVERY ZONE FACILITY BONDS**

Adopt a Resolution to Assign the City of Fremont's Recovery Zone Facility Bond Allocation to the Dale Hardware Expansion Project

Contact Person:

Name:	Angela Tsui	Lori Taylor
Title:	Economic Development Coordinator	Director
Dept.:	Economic Development	Economic Development
Phone:	510-284-4023	510-284-4024
E-Mail:	atsui@fremont.gov	ltaylor@fremont.gov

Executive Summary: As part of the American Recovery and Reinvestment Act of 2009 ("ARRA") the City of Fremont received an allocation of \$4,456,000 in Recovery Zone Facility Bonds (RZFB) for areas that the City designated as "Recovery Zones." On December 15, 2009, the City Council adopted Resolution No. 2009-85, designating the entire area within the boundaries of the City as a "recovery zone." After a formal application and review process, the expansion project for Dale Hardware was selected and deemed to meet the basic eligibility requirements for the ARRA Recovery Zone Bond Program. Under this bond process, the City of Fremont must formally assign its entire \$4,456,000 RZFB allocation to bonds to be issued to finance the construction of a 56,000 square foot expansion of an existing hardware and building supply facility owned and operated by Dale Hardware, Inc., within Fremont.

BACKGROUND: On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009, which created several financing tools that could aid in economic revitalization of California counties and cities. One of the tools is Recovery Zone Bonds. These bonds are targeted at stimulating economic recovery in areas designated as "Recovery Zones." Bonds must be issued by December 31, 2010 and the proceeds expended within 36 months of issuance.

Recovery Zone Facility Bonds (RZFBs) are tax-exempt private activity bonds issued to qualifying businesses including retail centers, hotels, office buildings, research parks, manufacturing plants, and industrial buildings. The City of Fremont's allocation of Recovery Zone Facility Bonds is \$4,456,000.

DISCUSSION/ANALYSIS: On December 15, 2009, the City Council adopted Resolution No. 2009-85, designating the entire area within the boundaries of the City as a "recovery zone." A committee consisting of staff from the City Manager's Office, City Attorney's Office, Finance Department, Community Development Department, and Office of Economic Development was formed to manage the application process, assess proposed projects, and submit projects that satisfy the State requirements established by the California Debt Limit Allocation Committee (CDLAC) for the Recovery Zone Bond Program (RZ Bond Program). The program was advertised by direct mail, Fremont's eBiz electronic business newsletter, the Fremont Chamber of Commerce and other business associations, as well as articles in the Silicon Valley/San Jose Business Journal and Tri-City Voice publications.

After a formal application and review process, applications were received from nine businesses. The expansion project for Dale Hardware and one from Solaria, a solar company, were selected. However,

after further review, only Dale Hardware was deemed to meet the eligibility requirements for the ARRA Recovery Zone Bond Program. The Dale Hardware store expansion project involves expansion of its existing facility by 56,000 square feet. This expansion will create an estimated 40 new jobs over the next two years.

The Industrial Development Authority of the County of Alameda (the “Authority”) has the power to issue revenue bonds (the “Bonds”) pursuant to the California Industrial Development Financing Act (Gov’t Code §§ 91500 et seq.), which are tax-exempt under current California and federal law, to finance the Dale Hardware expansion project.

As part of the Recovery Zone Facility Bond issuance process, the City of Fremont must at this time allocate and assign \$4,456,000 of the City’s authority to issue Recovery Zone Facility Bonds to the bonds to be issued by the Authority for the financing of the Dale Hardware expansion project.

FISCAL IMPACT: There is no fiscal impact to the General Fund as a result of assigning the City of Fremont’s Recovery Zone Facility Bond allocation to the Dale Hardware project and the City has no obligation for repayment of these bonds. However, when the bonds are issued, the proceeds will be leveraged with private investment, which will have a positive economic impact on Fremont’s local economy.

ENCLOSURE: [Draft Resolution](#)

RECOMMENDATION: Adopt a resolution to assign the City’s \$4,456,000 Recovery Zone Facility Bond allocation to bonds to be issued to finance the construction of a 56,000 square foot expansion of an existing hardware and building supply facility owned and operated by Dale Hardware, Inc. within Fremont.

***2.8 FAMILY RESOURCE CENTER PARKING LOT AND SITE ACCESSIBILITY IMPROVEMENTS CONTRACT AWARD**

Approval of Plans and Specifications and Award of Contract in the Amount of \$165,230.76 to the Lowest Responsible Bidder for the Family Resource Center Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC)

Contact Person:

Name:	Craig Covert	Norm Hughes
Title:	Associate Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4785	510-494-4748
E-Mail:	ccover@fremont.gov	nhughes@fremont.gov

Executive Summary: The purpose of this report is to recommend that the City Council approve the plans and specifications for the Family Resource Center (FRC) Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC), waive a minor irregularity and accept the bid and award the contract for construction to Bay Cities Paving and Grading, Inc., in the amount of \$165,230.76.

BACKGROUND: The Family Resource Center, which opened its doors in 1999, is a collaborative effort of over 25 State, County, City, and non-profit social service organizations. Low and moderate-income families visit the FRC over 100,000 times per year.

The State of California has two agencies represented at the FRC: the Department of Rehabilitation and the Employment Development Department (EDD). EDD is the FRC anchor tenant. As part of ongoing lease renewal negotiations, the State of California requested that Access Compliance Survey Reports be completed. The Access Compliance Survey Reports identified several on and off-site improvements that are required to upgrade the site accessibility to meet Americans with Disabilities Act (ADA) requirements.

Additionally, the entire parking lot exhibits mild to severe pavement distress due to age and use. Repairs are needed to extend the service life of the parking lots. As a condition of renewing its FRC lease, the State has mandated that all of their leased spaces be ADA accessible. ADA accessibility includes fully accessible parking lots and external walkways. The Community Development Department, Engineering Division worked with the Human Services Department to prepare detailed plans and specifications to address the site accessibility deficiencies and repair the parking lot. Without these repairs, the State might relocate the EDD and the Department of Rehabilitation. Not only will these repairs make the FRC fully compliant with the most current ADA standards, but they will also help insure the financial viability of the FRC, and its ability to provide affordable space to its non-profit tenants.

DISCUSSION/ANALYSIS:

Bid Results: Bids were received on April 27, 2010, for the Family Resource Center Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC). Bids were received, as follows:

<u>BIDDER</u>	<u>TOTAL BID</u>	<u>RANK</u>
Bay Cities Paving & Grading	\$165,230.76	1
Galedridge Construction, Inc.	*\$177,866.22	2
Guerra Construction Group	*\$178,160.04	3
Dryco Construction, Inc.	\$180,521.50	4
Pavex Construction Division	\$191,391.40	5
Redgwick Construction	\$204,811.70	6
Wattis Construction Co, Inc.	\$222,520.50	7
Sposeto Engineering, Inc.	\$239,224.10	8
Alaniz Construction, Inc.	*\$239,925.16	9
O'Grady Paving, Inc.	*\$242,605.70	10
Fanfa, Inc.	\$247,319.00	11
Alecka Paving, Inc.	*\$250,496.40	12
Engineer's Estimate	\$205,000	

* Mathematically corrected bid

The low bidder is Bay Cities Paving and Grading, Inc. Their bid contains a minor irregularity in that the name of the certified arborist was not included on the subcontractor's list as required by the Special Provisions. Because the total amount of the certified arborist's work is less than \$10,000, Bay Cities Paving and Grading, Inc., was not required to list the arborist subcontractor under the state subcontractor listing law. Bay Cities Paving and Grading, Inc., has since provided the name of its certified arborist. As a general rule, to be responsive, the bid must conform to all the requirements of the bid documents. However, a bid that does not strictly conform to the bid specifications may be accepted if the deviation could not have affected the price of the bid or resulted in an advantage not allowed to other bidders. Here, the irregularity would not have affected the amount of the bid as it does not relate to items of work. Nor does it result in an advantage to Bay Cities Paving and Grading, Inc., not granted to other bidders. This irregularity does not constitute a clerical mistake that would have allowed Bay Cities Paving and Grading, Inc., to withdraw its bid without forfeiting its bid bond. The failure to list the arborist does not constitute a violation of State listing law and the contractor promptly provided the name upon the City's request. Staff recommends that the Council waive this item as a minor irregularity. Otherwise Bay Cities Paving and Grading, Inc.'s bid is in order and responsive to the bid documents.

The low monetary bidder, Bay Cities Paving and Grading, Inc., is experienced in this type of project and is a responsible contractor. The contractor is experienced in this type of work and has satisfactorily completed contracts of a similar nature with the City of Fremont.

FISCAL IMPACT:

Maintenance Impact: The annual cost of maintenance for labor and materials for this project is within the existing operating budget.

PROJECT COSTS AND FUNDING: The following is a summary of actual and estimated project costs:

Preliminary Engineering, Design & Administration	\$15,000.00
Construction Contract (Low Bid)	\$165,230.76
(Includes \$20,000 in construction contingency)	
Construction Inspection, Surveying and Administration (estimate)	\$25,000.00
Project Contingencies	<u>\$20,000.00</u>
Total Estimated Cost:	\$225,230.76

Funding programmed for the project is as follows:

<u>Source</u>	<u>Description</u>	
Fund 105	Community Development Block Grant	\$159,032.00
Fund 108	Community Assistance Fund	\$170,646.00
Fund 194	American Recovery & Reinvestment Act	<u>\$63,322.00</u>
	Total Estimated Available Funding	\$393,000.00

Based on the current project estimate, there are sufficient funds remaining in this project. Because funding exceeds expected expenditures, grant funding from the American Recovery and Reinvestment Act and Community Development Block Grant will be utilized prior to the FRC Community Assistance Fund.

ENVIRONMENTAL REVIEW: This project is subject to environmental review procedures pursuant to the National Environmental Policy Act of 1969 (NEPA) and the California Environmental Quality Act (CEQA) and their respective implementing regulations. This project is exempt from review under NEPA pursuant to 24 CFR sections 58.34(a)(12) and 58.35(a) as the project consists of the repair, improvement, or reconstructions of existing facilities and improvements that will be retained in the same use without change in size or capacity. This project is exempt from review under CEQA pursuant to 14 CCR section 15301 as a repair, maintenance or minor alteration of an existing facility involving negligible or no expansion of an existing use.

ENCLOSURE: [Project plan](#)

RECOMMENDATION:

1. Approve the Plans and Specifications for the Family Resource Center Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC).

2. Waive minor bid irregularity and accept the bid and award the construction contract for the Family Resource Center Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC) to Bay Cities Paving and Grading, Inc., in the amount of \$165,230.76 and authorize the City Manager or his designee to execute the contract.

***2.9 ON-CALL UTILITY LOCATION SERVICES CONTRACT**

Award Contracts for Utility Location Services to Bess Testlab, Inc., and EXARO Technologies Corporation

Contact Person:

Name:	Jeanne Suyeishi	Norm Hughes
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Dept.:	Community Development	Community Development
Phone:	510-494-4728	510-494-4748
E-Mail:	jsuyeishi@fremont.gov	nhughes@fremont.gov

Executive Summary: The purpose of this report is to recommend the City Council award separate contracts to Bess Testlab, Inc., and EXARO Technologies Corporation for on-call potholing (i.e. utility location) services. The terms of each contract will specify a not-to-exceed amount of \$75,000 per year for three (3) years, for a total of \$225,000. At the end of the three-year term, the City will have the option to extend each contract term for up to two additional one-year periods with a not-to-exceed amount of \$50,000 per additional one (1) year period, bringing the total potential contract amount to \$325,000 per contractor. Staff selected Bess Testlab, Inc., and EXARO Technologies Corporation for recommendation based upon evaluation of Statements of Qualifications received from four different firms.

BACKGROUND: The on-call utility location services contract will be used for services since City staff does not have the equipment or expertise to perform this work in-house. The work performed under this contract will be to identify and positively locate underground utilities during the design phase of a project to prevent utility conflicts with the construction activities.

DISCUSSION/ANALYSIS: In April 2010, the City solicited Statements of Qualifications for On-Call Utility Location Services. A total of four Statements of Qualification packages were received from the following firms:

- Bess Testlabs, Inc.
- Cruz Brothers Locators
- EXARO Technologies Corporation
- Subtronic Corporation

An evaluation panel comprised of City staff reviewed each firm based on the Statement of Qualifications packages submitted. Contractors were ranked based on overall and local experience with similar on-call contracts, key staff members and their availability, and the overall quality of the submittal package. Results of that evaluation showed Bess Testlabs, Inc. and EXARO Technologies Corporation as the top two firms. Bess Testlabs is experienced in this type of work and is a responsible contractor. EXARO Technologies Corporation is also experienced in this type of work, is a responsible contractor and has been satisfactorily providing utility location services to the City for the past five years.

Staff recommends securing the on-call utility location services of two contracting firms in order to minimize potential scheduling conflicts regarding the availability of the contractors.

Each contract would be awarded for an amount not to exceed \$75,000 per year for three years, for a total of \$225,000. At the end of the three-year term, the City will have the option to extend each contract for two additional one-year periods, with a not-to-exceed amount of \$50,000 per one-year period, bringing the total potential contract amount to \$325,000 per contractor.

FISCAL IMPACT: All task orders issued and work performed under the on-call utility location services contracts will be funded by the various PWC projects that require the work.

ENVIRONMENTAL REVIEW: Environmental review is not required because award of these agreements is not a project within the meaning of CEQA.

ENCLOSURE: None

RECOMMENDATION:

1. Authorize the City Manager or his designee to execute master service agreements with Bess Testlabs, Inc., and EXARO Technologies Corporation for on-call utility location services in an amount not-to-exceed \$75,000 per year for three years, with the option of renewing each agreement for two additional one-year periods with an amount not-to-exceed \$50,000 per additional one year period.
2. Authorize the City Manager or his designee to exercise the option to renew each agreement, at an appropriate time, for two additional one-year terms with an amount not to exceed \$50,000 per year, provided the City Manager or his designee determines that the contractor has been responsive to the City's needs and the quality of work has been satisfactory.

***2.10 FY 2009/10 MEDI-CAL TARGETED CASE MANAGEMENT MEMORANDA OF UNDERSTANDING WITH ALAMEDA COUNTY**
Authorization for the City Manager to Sign FY 2009/10 Memoranda of Understanding with Alameda County Health Care Services Agency for Medi-Cal Targeted Case Management Program

Contact Person:

Name:	Arquimides Caldera	Suzanne Shenfil
Title:	Deputy Director	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2056	510-574-2051
E-Mail:	acaldera@fremont.gov	sshenfil@fremont.gov

Executive Summary: Staff recommends the City Council authorize the City Manager to sign Memoranda of Understanding (MOU) for fiscal year 2009/10 with Alameda County Health Care Services Agency to enable the City to continue receiving reimbursement of funds through the Targeted Case Management (TCM) program for family case management and senior case management services provided to local Medi-Cal eligible individuals and families. The City will be reimbursed up to a maximum of \$195,496 for family case management and \$93,641 for senior case management services. The exact amount the City will receive will be based upon the number of face-to-face contacts case managers have with Medi-Cal eligible individuals and families.

BACKGROUND: Targeted Case Management (TCM) is a California Department of Health Care Services (DHCS) program administered in each county by Local Government Agencies (LGAs). In Alameda County, Alameda County Health Care Services Agency serves as the LGA for the City of Fremont. The City has participated in the TCM program since FY 2002/03. The City is reimbursed for family case management services provided by the Family Service Team at the Fremont Family Resource Center, and senior case management services provided by the Aging and Family Services Division.

DISCUSSION/ANALYSIS: The TCM program reimburses the City for approximately 48% of the estimated costs associated with providing case management services to Medi-Cal eligible clients. The exact amount of funding the City receives is generally based on 1) a cost report completed by the City's Finance Department in cooperation with the Human Services Department; and 2) the actual number of face-to-face contacts case managers have with Medi-Cal eligible individuals and families during the year. Since the cost of providing these services varies each year, a new cost report and MOU must be completed for each year of our participation in the Targeted Case Management program.

FISCAL IMPACT: In FY 2009/10, the City is eligible to be reimbursed up to a maximum of \$195,496 for family case management and \$93,641 for senior case management services. TCM revenues are an important component of the Human Services Department's strategy to become more cost-covering. This funding was anticipated and appropriated as part of the FY 2009/10 adopted budget.

ENVIRONMENTAL REVIEW: N/A

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or designee to sign Memoranda of Understanding to enable the City to receive reimbursement for family case management and senior case management services provided to Medi-Cal eligible clients as part of the FY 2009/10 Targeted Case Management program.

***2.11 “GET CONNECTED!” PUBLIC AWARENESS AND EDUCATION PROGRAM FOR USE OF THE INTERNET/BROADBAND**

Adopt a Resolution to Support the California Emerging Technology Fund “Get Connected!” Public Awareness and Education Program for Accelerating the Deployment of the Internet/Broadband

Contact Person:

Name: Marilyn Crane
Title: Director
Dept.: Information Technology Services
Phone: 510-494-4802
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Executive Summary: On May 4, 2010, Councilmember Suzanne Lee Chan requested that the City Council consider supporting the “Get Connected!” Public Awareness and Education Program designed to reach California residents that have not yet adopted broadband technology. The City Council accepted the request and directed the City Manager and staff to prepare a resolution in support of the program. This staff report contains a resolution for the City Council to adopt to support the “Get Connected!” program.

BACKGROUND: The California Emerging Technology Fund (CETF) is a non-profit corporation that was established in 2005 to partner with private companies, government, and foundations to achieve “ubiquitous access to broadband and advanced services in California.” The CETF works with multiple sources to secure funding and awards grants with matching funds to bring the Internet and broadband access to three priority areas: rural and remote, urban disadvantaged neighborhoods, and people with disabilities. The “Get Connected!” program is one such CETF initiative that closes the “digital divide” by educating individuals in remote and rural areas as well as low-income families and people with disabilities on how to use a computer to access the Internet, including selection of connection speeds, and then how to effectively, safely, and securely use the Internet to improve quality of life.

DISCUSSION/ANALYSIS: While research shows that California is better positioned than most states on broadband availability, nearly 2,000 communities are still unable to access high-speed Internet and barely more than half of Californians have adopted broadband at home. Fremont as a community is fortunate in that it has access to multiple Internet and broadband carriers that offer faster speeds than some communities. However, in a 2009 survey conducted by the Public Policy Institute of California (PPIC) and ZeroDivide, in conjunction with CETF, results show that there is a substantial digital divide, particularly for lower-income, non-English speaking and disabled residents. The “Get Connected!” program is working to narrow that gap by increasing the awareness of the value of the Internet and broadband.

FISCAL IMPACT: There is no fiscal impact on the City to adopt this resolution supporting the CETF “Get Connected!” Public Awareness and Education Program.

ENVIRONMENTAL REVIEW: Not applicable.

ENCLOSURE: [Draft Resolution](#)

RECOMMENDATION: Adopt a resolution supporting the “Get Connected!” Public Awareness and Education Program that educates low-income families and people with disabilities on how to improve quality of life through the effective and secure use of the Internet and broadband technologies and encouraging residents to take advantage of any such programs.

6.1 Report Out from Closed Session of Any Final Action

7.1 Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Fremont Municipal Code Pertaining to the Planting, Pruning, and Removal of Street Trees and Landowner Responsibility and Liability for Street Tree and Sidewalk Safety and Maintenance

ENCLOSURE: [Draft Ordinance](#)

RECOMMENDATION: Adopt ordinance.

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC.....	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC.....	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA	Congestion Management Agency	PVAW	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
June 1, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 8, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 15, 2010	TBD	Work Session	Council Chambers	Live
June 22, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 29, 2010 (5 th Tuesday)	TBD	No City Council Meeting		
July 6, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 13, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 20, 2010	TBD	Work Session	Council Chambers	Live
July 27, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
		August Recess		
September 7, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 14, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 21, 2010	TBD	Work Session	Council Chambers	Live
September 28, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 5, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 12, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 19, 2010	TBD	Work Session	Council Chambers	Live
October 26, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live